

STATE OF MICHIGAN
COURT OF APPEALS

KAREN SUNMAN, Personal Representative of
the Estate of BRADLEY SUNMAN, Deceased,

Plaintiff-Appellant,

v

DEPARTMENT OF TRANSPORTATION,

Defendant-Appellee.

UNPUBLISHED
September 27, 2005

No. 262758
Court of Claims
LC No. 04-000135-MD

Before: Saad, P.J., and Jansen and Markey, JJ.

MEMORANDUM.

Plaintiff's decedent was killed in an automobile collision that occurred when the driver of another vehicle allegedly failed to stop at an intersection near a highway exit. Plaintiff brought this action against defendant and relied on the highway exception to governmental immunity, MCL 691.1402. The Court of Claims concluded that plaintiff's claims essentially asserted inadequate signage and improper design and that, pursuant to controlling Supreme Court precedent, such claims are not within the highway exception. Accordingly, the court granted defendant's motion for summary disposition pursuant to MCR 2.116(C)(7). Plaintiff appeals as of right. We affirm.

We review de novo the trial court's decision regarding the applicability of the highway exception to governmental immunity. *Mitchell v City of Detroit*, 264 Mich App 37, 40-41; 689 NW2d 239 (2004).

In *Nawrocki v Macomb Co Rd Comm*, 463 Mich 143, 162, 171; 615 NW2d 702 (2000), the Court concluded that the duty imposed by the highway exception extends only to conditions in the "actual roadbed designed for vehicular travel" The duty does not extend to "installation, maintenance, repair, or improvement of traffic control devices, including traffic signs" *Id.* at 151. In *Hanson v Mecosta Co Rd Comm's*, 465 Mich 492; 638 NW2d 396 (2002), the Court concluded that a claim of defective design is not within the duty to repair and maintain the highway.

Plaintiff does not challenge the trial court's characterization of her claims as involving inadequate signage and improper design. Nor does she argue that the trial court erred in determining that her claims are barred pursuant to *Nawrocki* and *Hanson*, *supra*. Instead, plaintiff essentially argues that, although those cases are binding, they were wrongly decided.

“[I]t is the Supreme Court’s obligation to overrule or modify case law if it becomes obsolete, and until th[at] Court takes such action, the Court of Appeals and all lower courts are bound by that authority.” *Boyd v WG Wade Shows*, 443 Mich 515, 523; 505 NW2d 544 (1993). Plaintiff has not offered a basis for distinguishing *Nawrocki* and *Hanson*, and has not advanced an argument that would support this Court’s reversal of the trial court’s decision. Accordingly, we affirm.

Affirmed.

/s/ Henry William Saad

/s/ Kathleen Jansen

/s/ Jane E. Markey